

REMARKS

Applicant thanks the Examiner for his careful consideration given to this application. Reconsideration is now respectfully requested in view of this paper.

Claims 6-16 and 21-25 are pending in this application. Claims 6-16 and 21-25 stand rejected under 35 U.S.C. 112, second paragraph because “a computer implemented system without structure, where the components of the system are disembodied software is indefinite.” *U.S. Patent application 10/726,268, 12/26/2008 Office action*. Applicant traverses these rejections for at least the following reasons.

Pursuant to MPEP 2106.01, when functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. *Compare In re Lowry, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)(discussing patentable weight of data structure limitations in the context of a statutory claim to a data structure stored on a computer readable medium that increases computer efficiency) and In re Warmerdam, 33 F.3d *1354, 1360-61, 31 USPQ2d *1754, 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory).*

Claims 6-16 and 21-25 are drawn to “[a] planning system being embodied in a computer readable medium.” Accordingly, the components of Claims 6-16 and 21-25 are not disembodied software, as they are structurally and functionally interrelated with a computer readable medium.

Nonetheless, Applicant has amended Claim 1 of the subject application to further explicitly interrelate the recited components with the computer readable medium and take the form of executable instructions and data being embodied therein. More particularly, Claim 6 of has been amended to recite:

A planning system being embodied in a computer readable medium including computer executable instructions and data that comprise:

at least one business rule embodied in the computer readable medium;

at least one priority designation embodied in the computer readable medium;

a meeting editor embodied in the computer readable medium,
... ; and

at least one tracker embodied in the computer readable medium

Applicant additionally submits there is a sufficient antecedent basis for “the at least two data items” of Claim 6, contrary to the assertions of the December 26, 2008 Office action. Claim 6 recites, *inter alia*, “at least one tracker [that] tracks data items ... [and] communicates at least two of the data items with the meeting editor; wherein said priority designation weights the at least two of the data items for the at least one meeting differently when the meeting editor generates the at least one meeting in accordance with the at least one business rule.” Accordingly, Claim 6 clearly recites that the tracker tracks data items, at least two of the tracked data items are communicated by the tracker to the meeting editor, which weights the communicated, tracked data items for the at least one meeting differently when the meeting editor generates the at least one meeting in accordance with the at least one business rule.

Accordingly, Applicant respectfully requests withdrawal of the the 35 U.S.C. 112, second paragraph rejections.

Claims 6-16 and 21-25 stand rejected under 35 U.S.C. 101, because “there is no indication that the proposed software is recorded on a computer-readable medium and/or capable of execution.” *U.S. Patent application 10/726,268, 12/26/2008 Office action*. Again, the pending claims of the subject application have been amended to recite, “[a] planning system being embodied in a computer readable medium and including computer executable instructions and data that comprise” Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. 101 rejections.

Claims 6-13, 18 and 20 stand provisionally rejected on the ground of obviousness-type double patenting over amended Claims 1, 3-5, 10-11, 13 and 15-16 of copending Application No. 10/949,890. However, Applicant respectfully submits that the rejection should be withdrawn because a Notice of Abandonment was issued by the United States Patent and Trademark Office for Application No. 10/949,890 on June 23, 2009.

Claims 6-11, 13-16, 21-22 and 24 stand rejected under 35 U.S.C. 102(b) as being anticipated by Beckhardt (U.S. Pat. 6,085,166). Claims 12, 23 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Beckhardt. Applicant traverses these assertions for at least the following reasons.

The claimed embodiments of the present invention provide for meeting planning. Advantageously, the claimed embodiments of the present invention generate a meeting “in accordance with the at least one business rule and the at least one priority designation.” Beckhardt fails to teach generating a meeting in accordance with at least one business rule and at least one priority designation, and hence fails to anticipate Claim 6 as a matter of law.

The December 26, 2008 Office action argues Beckhardt teaches: (1) weighting of resources and invitees; and (2) accommodation of invitees in different time-zones. However, such a teaching still fails to anticipate or render the recited Claim 6 use of both business rule(s) and priority designation(s).

Nonetheless, for purposes of expediting prosecution of the subject application, Applicant has amended Claim 6, without prejudice, to additionally recite that “the at least one business rule associates the at least two data items together both in combination with and independently of the at least one meeting.”

By way of non-limiting example only, support for such a limitation may be found throughout the specification, such as where the subject application’s “business rules” are taught to associate meeting parameters with one-another. For example, if a particular funding source for a meeting is selected, like a marketing department, a business rule associated with the selected funding source may restrict budget and/or recruiting parameters. *See, e.g., Specification, par [223]*. Such a business rule is associated with a particular data value for a particular meeting parameter, and both affects the

meeting then being planned, and any other meeting planning that triggers its enforcement. Accordingly, no new matter has been added.

Beckham fails to teach or suggest such a meeting planner. First, Beckham's assigning and use of arbitrary weights to resources and invitees does not associate different data values that are being tracked (*e.g.*, meeting parameters) with one another. In contrast, the recited business rules of Claim 6 do (*e.g.*, if a particular funding source for a meeting is selected, like a marketing department, a business rule associated with the selected funding source may restrict budget and/or recruiting parameters. *See, e.g., Specification, par [223].*). Further, Bechkhardt's contemplation of different time zones fails to teach or suggest using business rules that associate different data values that are being tracked (*e.g.*, meeting parameters) with one another. Prompting a user to change work hours, time zones or places of work to conform with a travel itinerary and accommodate a meeting is not even a business rule, or no less such a parameter-linking business rule, rather it is a prompting of a user of a potential temporal conflict. Nonetheless, this Beckhardt feature also fails to associate different data values that are being tracked and communicated to a meeting editor (*e.g.*, meeting parameters) with one another.

Accordingly, Applicant believes the pending application is in condition for allowance.

Applicant believes no additional fee is due with this response. However, if an additional fee is due, please charge our Deposit Account No. 03-2775, under Order No. 16576-00010-US from which the undersigned is authorized to draw.

Dated: June 26, 2009

Respectfully submitted,

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